



July 2, 2009

Washington State Building Code Council
128 10th Avenue SW
Olympia, WA 98504-2525

Dear Council Members:

I am a member of the House Committee on Technology, Energy, and Communications. This year the Legislature passed SB 5854 which became Chapter 423, 2009 Laws. I was surprised to read in a letter from Governor Gregoire dated May 29, 2009 to Chairman Peter DeVries her request that the State Building Code Council (Council) propose policies that would achieve a 30 percent reduction in new building energy use compared to the 2007 edition of the WSEC during the 2009 code adoption cycle. This recommendation never received legislative approval. Instead, we enacted SB 5854 that proposes an incremental approach to updating energy efficiency statutes for the state starting in 2013. It specifically states:

Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

When the Legislature adopted this language we were aware that Washington's economy is in turmoil. Clearly the timelines and economic considerations mentioned in SB 5854 indicate the Legislature had no intention for the Building Code Council to make sweeping changes to the energy code and force almost half of the expected reductions in new buildings in one year's time as advocated by the Governor in her letter. Mandates that go into effect in less than a year's time may well be the tipping point for many businesses. They may decide that a new project is no

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longer cost effective, or force employment reductions to pay for the increased regulations, or even result in business closure.

Washington has a higher unemployment rate than the national average and has lost hundreds of thousands of jobs during the recession. Affordable housing is of continued concern and local governments have fewer employees to do work and limited training budgets to facilitate implementation of new policies. Businesses are equally burdened. Now is not the time to push forward with aggressive, costly mandates that can increase the costs of buildings by tens of thousands of dollars.

On a positive note, Washington already has a progressive building code that meets the statutory requirements of providing health and safety to the people of Washington. Those businesses that can afford to adopt energy efficiency measures will do so because it is cost effective. The incentive is there without any need for government intervention.

I urge you to consult with the agency's attorney before moving to adopt policies that contravene the legislative direction provided on energy efficiency policies.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Haler", with a stylized, cursive script.

Larry Haler
State Representative
8th Legislative District